

APR 17 2006  
APR 17 2006

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In re application of:

Ian Alexander Shields  
Stephen Maxwell Taylor  
(AS AMENDED)

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§

Confirmation Number: 1391

Application Number: 10/531,565  
International Application Number:  
PCT/AU03/01374

Group Art Unit: Unknown

I.A. Filing Date: 16 October 2003

Examiner: Unknown

For: TREATMENT OF  
HYPERSENSITIVITY CONDITIONS

Attorney Docket No: 36677.34

Mail Stop PCT  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

|  |   |
|--|---|
| Certificate of Mailing 37 C. F. R. § 1.8   |   |
| I hereby certify that this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail on the date indicated below and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |   |
| 4/12/06  | Date of Deposit                           |
| MARK   | Name of person mailing paper and fee      |
| Mark Taylor  | Signature of person mailing paper and fee |

### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements mailed September 12, 2005, I have enclosed the following:

1. Petition to Delete Inventor David Fairlie Under 1.497(D) (2 sheets);
2. Statement of Inventor Under 37 C.F.R. 1.497(d)(1) I (2 sheets);
3. Consent of Assignee for Deletion of Inventor David Fairlie (1 sheet);
4. Copy of 92bis in support of Deletion of Inventor David Fairlie (1 sheet);
5. Executed Declaration of Inventorship by Inventors Shields and Taylor in compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.68 (2 sheets);
6. Response to Missing Requirements Regarding the "Sequence Listing" (1 sheet);
7. Petition for Extension of Time of five months to and including April 2006 (1 sheet);

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- 8 MAY 2006  
Legal Staff  
International Division

Application Number: 10/531,565  
International Application Number: PCT/AU03/01374

8. A Fee Transmittal (1 sheet);
9. A Return copy of Notification of Missing Requirements (3 sheets);
10. A Return self-addressed stamped postcard; and
11. This Transmittal (2 sheets).

( Applicants note that a "Sequence Listing" has been requested, however, it is our understanding that a sequence listing is not appropriate for this application. Therefore, a sequence listing nor statements of conformity are enclosed.

The Commissioner is hereby authorized to charge any further fees associated with this communication, or to credit any overpayment, to Deposit Account of Haynes and Boone, LLP Number 08-1394.

Respectfully submitted,



Mark D. Moore, Ph.D.  
Registration No. 42,903

Date: 4/12/06  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 713-547-2040  
Facsimile: 214-200-0853

Rec'd PCT/PTO 17 APR 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U P R 1995

|  |  |                          |                                    |
|--|--|--------------------------|------------------------------------|
| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).<br><h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2005</h3> |  | <b>Complete if Known</b> |                                    |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  | Application Number       | 10/531,565                         |
|  |  | Filing Date              | 16 October 2003 (I.A. Filing Date) |
|  |  | First Named Inventor     | Ian Alexander Shiels               |
|  |  | Examiner Name            | Unknown                            |
|  |  | Art Unit                 | Unknown                            |
| <b>TOTAL AMOUNT OF PAYMENT</b>   |  | Attorney Docket No.      | 36677.34                           |
| (\$ ) 1300.00  |  |                          |                                    |

**METHOD OF PAYMENT** (check all that apply)

☐ Check 
 ☐ Credit Card 
 ☐ Money Order 
 ☐ None 
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account 
 Deposit Account Number: 08-1394 
 Deposit Account Name: Haynes and Boone, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below 
 ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 
 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description   | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent            | 50       | 25                    |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200      | 100                   |
| Multiple dependent claims   | 360      | 180                   |

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3

**Multiple Dependent Claims**  
 Fee (\$): 04/21/2006 GEREY1 00000121 10531565  
 Fee Paid (\$): 04 FC:1255 1080.00 DA

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets        | Extra Sheets       | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------------|--|----------|---------------|
| _____ - 100 = _____ | _____ / 50 = _____ | (round up to a whole number) x _____             | _____    | _____         |

**4. OTHER FEE(S)**

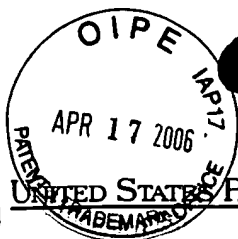
|  | Fees Paid (\$) |
|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount)            |                |
| Other: Petition Fee Under 1.17(i), Extension of time - 5 months, Surcharge | 1300           |

**SUBMITTED BY**

|                   |               |  |                        |
|-------------------|---------------|--|------------------------|
| Signature         |               | Registration No. (Attorney/Agent) 42,903 | Telephone 713-547-2040 |
| Name (Print/Type) | Mark D. Moore |  | Date 4/12/06           |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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|   |   |                              |
|---|---|------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/531,565 | FIRST NAMED APPLICANT<br>Ian Alexander Shiels | ATTY. DOCKET NO.<br>36677.34 |
|---|---|------------------------------|

**RECEIVED**  
SEP 15 2005

|   |                             |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO.<br>PCT/AU03/01374 |                             |
| I.A. FILING DATE<br>10/16/2003                  | PRIORITY DATE<br>10/17/2002 |

27683  
HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

HAYNES and BOONE

COPY

CONFIRMATION NO. 1391

371 FORMALITIES LETTER



\*OC000000016990128\*

Date Mailed: 09/12/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/14/2005
- Copy of the International Search Report filed on 04/14/2005
- Copy of IPE Report filed on 04/14/2005
- Copy of Annexes to the IPER filed on 04/14/2005
- Oath or Declaration filed on 08/11/2005
- Small Entity Statement filed on 04/14/2005
- U.S. Basic National Fees filed on 04/14/2005
- Substitute Specification filed on 04/14/2005
- Priority Documents filed on 04/14/2005
- Power of Attorney filed on 08/11/2005
- Specification filed on 04/14/2005
- Claims filed on 04/14/2005
- Abstracts filed on 04/14/2005

04/21/2006 GFREY1 00000121 081394 10531565

01 FC:2617 65.00 DA  
02 FC:2615 25.00 DA

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$25 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application

DOCKETING COMPLETE

DATE: 9.15.05

BY: *caf*

by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - There are three inventor listed on publish application, you only listed two of the three inventors, where is the thrid inventor.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$90** for a Small Entity:

- **\$65 Surcharge.**

- COPY
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- Total additional claim fee(s) for this application is **\$ 25**

- **\$25 for 6 total claims over 20.**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)